

AMENDED IN SENATE APRIL 8, 2003

SENATE BILL

No. 781

Introduced by Senator Margett

February 21, 2003

An act to amend Section 3001 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 781, as amended, Margett. Parole.

Existing law requires that at least 30 days before the Board of Prison Terms meets to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board send written notice to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder. Existing law generally provides procedures for these hearings.

This bill would authorize any person listed above who is authorized to forward information to the parole board for consideration in a parole suitability hearing under this section, to forward that information electronically. The bill would, in addition, require the board to establish procedures for receiving the information electronically.

~~Existing law specifies the period of parole for various crimes for which an inmate has been imprisoned in the state prison, and provides for the discharge of certain persons from parole prior to the end of that period, as specified, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and~~

~~the board, for good cause, determines that the person will be retained on parole.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 3001 of the Penal Code is amended to~~

~~SECTION 1. Section 3042 of the Penal Code is amended to read:~~

3042. (a) At least 30 days before the Board of Prison Terms meets to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder.

(b) The Board of Prison Terms shall record all such hearings and transcribe recordings of those hearings within 30 days of any hearing. Those transcripts, including the transcripts of all prior hearings, shall be filed and maintained in the office of the Board of Prison Terms and shall be made available to the public no later than 30 days from the date of the hearing. No prisoner shall actually be released on parole prior to 60 days from the date of the hearing.

(c) At any hearing, the presiding hearing officer shall state his or her findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of the hearing, unless the material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) This section shall not apply to any hearing held to consider advancing a prisoner's parole date due to his or her conduct since his or her last hearing.

(f) (1) The written notice to the judge of the superior court before whom the prisoner was tried and convicted shall be sent by certified mail with return receipt requested.

(2) The judge receiving this written notice may forward to the parole board any unprivileged information from the trial or sentencing proceeding regarding the prisoner, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the parole board should grant parole or under what conditions parole should be granted. The judge may also, in his or her discretion, include information given to him or her by victims, witnesses, or other persons that bear on the question of the prisoner's suitability for parole.

(3) The parole board shall review and consider all information received from the judge or any other person and shall consider adjusting the terms or conditions of parole to reflect the comments or concerns raised by this information, as appropriate.

(g) Nothing in this section shall be construed as limiting the type or content of information the judge or any other person may forward to the parole board for consideration under any other provision of law.

(h) Any person who receives notice under subdivision (a) who is authorized to forward information to the parole board for consideration in a parole suitability hearing under this section, may forward that information electronically. The board shall establish procedures for receiving the information electronically pursuant to this subdivision.

read:

~~3001. — (a) Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was not imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison, and has been on parole continuously for one year since release from confinement that person shall be discharged from parole within 30 days, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the board, for good cause, determines that the person will be retained.~~

1 Notwithstanding any other provision of law, when any person
2 referred to in paragraph (1) of subdivision (b) of Section 3000 who
3 was imprisoned for committing a violent felony, as defined in
4 subdivision (c) of Section 667.5, has been released on parole from
5 the state prison for a period not exceeding three years and has been
6 on parole continuously for two years since release from
7 confinement, or has been released on parole from the state prison
8 for a period not exceeding five years and has been on parole
9 continuously for three years since release from confinement, the
10 department shall discharge that person from parole within 30 days,
11 unless the department recommends to the board that the person be
12 retained on parole and the board, for good cause, determines that
13 the person will be retained. The board shall make a written record
14 of its determination and the department shall transmit a copy
15 thereof to the parolee.

16 (b) Notwithstanding any other provision of law, when any
17 person referred to in paragraph (2) or (3) of subdivision (b) of
18 Section 3000 has been released on parole from the state prison, and
19 has been on parole continuously for three years since release from
20 confinement or since extension of parole, the board shall discharge
21 the person from parole within 30 days, unless the board, for good
22 cause, determines that the person will be retained on parole. The
23 board shall make a written record of its determination and the
24 department shall transmit a copy thereof to the parolee.

25 (c) In the event of a retention on parole, the parolee shall be
26 entitled to a review by the parole authority each year thereafter
27 until the maximum statutory period of parole has expired.

28 (d) The amendments to this section made during the 1987-88
29 Regular Session of the Legislature shall only be applied
30 prospectively and shall not extend the parole period for any person
31 whose eligibility for discharge from parole was fixed as of the
32 effective date of those amendments.